

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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2006 JUL 25 A 11:28

U.S. DISTRICT COURT  
DISTRICT OF MASS.

DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC., et al;

Defendants

Civil Action: **04-30126-MAP**

**PLAINTIFF DONALD C. HUTCHINS' AMENDED ANSWER TO DEFENDANT  
COMPLIENT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Donald C. Hutchins ("Hutchins") submits this amended answer to defendant Compliant Corporation's ("Compliant") Motion for Summary Judgment based on new evidence divulged by Compliant that contradicts Compliant's Statement of Material Facts contained in its Motion.

**INTRODUCTION**

The Court of Common Pleas of Cuyahoga County, Ohio has recognized the Compliant Corporation ("Compliant") in Case No. 540066 as being, "Compliant and persons related to Compliant" as disclosed in Exhibit A attached. Because the Compliant Corporation brought Ohio Case No. 540066 into this action as part of its Motion for Summary Judgment it is correct that this Court recognize Compliant in the identical context.

Page 2 of Exhibit A indicates that the Compliant Corporation assumed responsibility and paid all the legal fees for six different actions against Hutchins. Compliant initiated four of the six actions beginning in the year 2001 with Cuyahoga, No. 429394 and AAA Case No. 35-133-00022-01. The legal logs that accompanied Exhibit

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A show the legal persons consolidated with Compliant to be CPR L.P., Jon Lindseth, Steven Lindseth, Axentis, CPR Prompt L.P and County Line Limited.

Ohio Case No. 540066 is currently under appeal before the Supreme Court of Ohio as Case GEN-2006-0741 per Exhibit B attached.

Compliant's Motion for Summary Judgment should be denied because the material evidence produced by Compliant in support of its denial of fraud, fraudulent misappropriation and sale of patent and breach of contract is contradicted by the legal logs that accompanied Exhibit A.

#### **LEGAL STANDARD FOR DENIAL OF SUMMARY JUDGMENT**

Local Rule 56.1 states in part, "Opposition to motions for summary judgment shall include a concise statement of the material facts of record as to which it is contending that there is a genuine issue to be tried.

#### **ARGUMENT**

Defendant's motion should be denied because:

**1. Compliant is not a separate legal entity from CPR L.P.**

Compliant claims CPR L.P. to be a separate entity. Exhibit A clearly shows that CPR L.P. is part of the Compliant Corporation. Local Rule 56.1 provides that motions for summary judgment shall include a concise statement of the material facts of record to which the moving party contends there is no genuine issues to the tried. Hutchins opposes Compliant's motion for summary judgment by exposing Compliant's Statement of Material Facts and Steven Lindseth's Affidavit as falsifications.

**2. Plaintiff is prepared to Present Substantial Evidence and Testimony at trial to Support His Claims of Fraud, Fraudulent Misappropriation and Sale of Patent, Tortuous Interference of with Contract and Breach of Contract.**

Hutchins has substantial evidence and expert testimony available to prove his allegations and to be successful at trial. Hutchins should not be denied his right to trial now that he is in possession of Exhibit A that includes a 74-page log of hundreds of legal fee annotations that substantiate his claims against Compliant in his quest to retrieve his intellectual properties.

### **CONCLUSION**

Hutchins brought this patent infringement litigation against Cardiac Science Inc. eight months after Compliant was dissolved and out of business. In reaction to Civil Action: 04-30126-MAP, the investors in Compliant were lead by Jon Lindseth into mounting a massive campaign to destroy Hutchins as documented by Exhibit A.

Hutchins claims were validated when the investors in Compliant were forced to indemnify Cardiac Science by returning approximately \$3 million in stock to Cardiac Science for the purpose of paying damages to Hutchins. The \$3 million was confiscated by Cardiac Science and never paid to Hutchins.

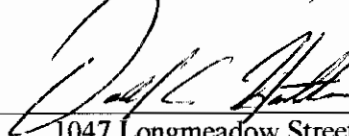
The legal logs of Exhibit A outline how the participants, CPR L.P., Jon Lindseth, Steven Lindseth, Axentis, CPR Prompt L.P and County Line Limited united under the Compliant banner to undermine Civil Action: 04-30126-MAP. The Compliant Corporation assumed responsibility and paid all the legal fees for six different actions against Hutchins. Compliant initiated four of the six actions beginning in the year 2001 with Cuyahoga, No. 429394 and AAA Case No. 35-133-00022-01.

The Compliant Corporation is free to dispute any of the entries in the log. They have the burden to show that the \$282,000 in legal fees was not used to dissuade Hutchins from pursuing his intellectual properties. It is clear that the Compliant Corporation is not entitled to Summary Judgment on any claims at issue as a matter of law because there remain genuine issues to be tried.

Respectfully submitted

The Plaintiff

Donald C. Hutchins, Pro Se



1047 Longmeadow Street  
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(413) 567-0606  
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Dated: July 24, 2006

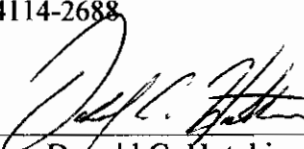
CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate party by sending a copy by first class mail to:

John J. Egan, Esq., Egan, Flanagan and Cohen, P.C., 67 Market Street, Springfield, MA 91102-9035

Jeffrey J. Lauderdale, Esq., Calfee, Halter & Griswold LLP, 1400 McDonald Investment Center, 800 Superior Ave., Cleveland, OH 44114-2688

Dated: July 24, 2006

  
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Donald C. Hutchins